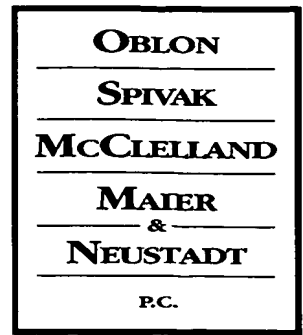


S.P.



Docket No.: 217962US0PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RE: Application Serial No.: 10/030,422
Applicants: Kazumitsu NAKATSUKA
Filing Date: January 10, 2002
For: ANTIBACTERIAL COMPOSITION
Group Art Unit: 1618
Examiner: Fubara, B.M.

SIR:

Attached hereto for filing are the following papers:

Response to Notice of Non-Responsive Amendment

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Vincent K. Shier, Ph.D.
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DOCKET NO: 217962US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KAZUMITSU NAKATSUKA : EXAMINER: FUBARA, B. M.
SERIAL NO: 10/030,422 :
FILED: JANUARY 10, 2002 : GROUP ART UNIT: 1618
FOR: ANTIBACTERIAL COMPOSITION :

RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

On March 24, 2006, the Office provided Applicants with a communication in which the Examiner has indicated that the response filed on December 12, 2005, is not fully responsive. The apparent basis for this indication can be found in the assertion that the "amendment to the claims changes the claims from composition claims to method claims."

The Examiner is correct in that Claim 7 was changed from a composition claim to a method claim. However, Applicants disagree with the holding that the response filed on December 12, 2005, is non-responsive as a result of this amendment. Specifically, Applicants wish to direct the Examiner's attention to the fact that that method claims (i.e., Claims 27 and 28) were presented on May 20, 2005, and were subsequently examined and rejected in the Office Action mailed August 10, 2005. The amendment of Claim 7 on December 12, 2005, merely incorporated the limitations of Claim 27 (which depended from Claim 7) and, therefore, corresponds to *previously examined* subject matter. Similarly, it should be noted that method Claim 28 (which depended from Claim 7) was amended to


incorporate the limitations of Claim 7. Therefore, method Claim 28 was previously presented and examined. As such, the response filed on December 12, 2005, was proper.

In view of the foregoing, Applicants' undersigned Representative contacted Examiner Fubara to discuss this application for which Applicants wish to thank the Examiner for the courteous discussion. During this discussion, Applicants' Representative explained the foregoing. In response, the Examiner invited Applicants to provide the foregoing explanation for favorable reconsideration.

Applicants submit that the present application is now in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



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